



General Assembly

February Session, 2010

Raised Bill No. 238

LCO No. 1324

01324_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING A SPECIALIZED DOCKET FOR LAND USE APPEALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) As used in this section
2 "land use appeal" means an appeal taken under chapter 97a, 124, 124b,
3 125a, 126, 127 or 440 of the general statutes or under section 7-147, 7-
4 149a, 7-246a, 15-95, 22a-354q, 25-102h, 25-102l, 25-109h or 25-109k of
5 the general statutes, or any other appeal taken in accordance with the
6 provisions of section 8-8 of the general statutes, except for an appeal
7 taken under chapter 126a of the general statutes or section 22a-250 of
8 the general statutes.

9 (b) The Chief Court Administrator shall (1) establish in each judicial
10 district a docket separate from other civil matters for the hearing of
11 land use appeals; (2) identify in each judicial district judges with
12 experience in land use appeals who shall hear all matters, including
13 pretrial matters, on such land use appeal docket; and (3) identify in
14 each judicial district state referees, if any, with sufficient experience in
15 land use appeals to take evidence in such land use appeals pursuant to
16 subdivision (4) of subsection (a) of section 52-434 of the general

17 statutes, as amended by this act.

18 (c) The Chief Court Administrator shall establish policies and
19 procedures to implement the provisions of this section. Not later than
20 January 1, 2011, the administrator shall submit a report on such
21 implementation, in accordance with section 11-4a of the general
22 statutes, to the joint standing committees of the General Assembly
23 having cognizance of matters relating to the judiciary and planning
24 and development.

25 Sec. 2. Subdivision (4) of subsection (a) of section 52-434 of the
26 general statutes is repealed and the following is substituted in lieu
27 thereof (*Effective October 1, 2010*):

28 (4) In addition to the judge trial referees who are appointed
29 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
30 Justice may appoint, from qualified members of the bar of the state,
31 who are electors and residents of this state, as many state referees as
32 the Chief Justice may from time to time deem advisable or necessary.
33 No appointment of a member of the bar may be for a term of more
34 than three years. Notwithstanding the provisions of subsection (f) of
35 this section, state referees appointed by the Chief Justice from
36 members of the bar shall receive such reasonable compensation and
37 expenses as may be determined by the Chief Justice. The Superior
38 Court may appoint a state referee pursuant to this subdivision to take
39 such evidence as it directs in any civil, nonjury case, including, but not
40 limited to, appeals under section 8-8, except that the Superior Court
41 may not appoint a state referee to take evidence in a land use appeal,
42 as defined in section 1 of this act, unless the state referee has been
43 identified as having sufficient experience in land use appeals pursuant
44 to section 1 of this act. Any [such] state referee appointed to take
45 evidence pursuant to this subdivision shall report on such evidence to
46 the court with any findings of fact. The report shall constitute a part of
47 the proceeding upon which the determination of the court shall be
48 made.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	52-434(a)(4)

Statement of Purpose:

To establish a specialized land use appeal docket in each judicial district.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]